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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,299	08/29/2000	Charles Bradley Forsythe	P02014US0	9113

26271 7590 12/31/2002

FULBRIGHT & JAWORSKI, LLP  
1301 MCKINNEY  
SUITE 5100  
HOUSTON, TX 77010-3095

EXAMINER

HUSEMAN, MARIANNE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/650,299

Applicant(s)

FORSYTHE ET AL.

Examiner

M. Huseman

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Response to Arguments

1. Applicant's arguments with respect to claims 1 - 16 have been considered but are moot in view of the new ground(s) of rejection. The art rejection has been changed to specifically identify Buymedia. com rather than "prior art" as was done in the first office action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of BuyMedia.com (hereinafter referred to as BuyMedia).

Regarding claim 1:

Miller (FIGS. 3A - 3M) discloses a method of selecting and purchasing media advertising (col. 1, lines 6-10) comprising the steps of:

an advertiser accessing a system and providing information relating to buying criteria and customer data in order to select and purchase media advertising (col. 11, lines 22-27);

the server system receiving the information, processing the information and creating at least one media advertising rate request (e.g., step 124);

the system manipulating the processed rate request to create a media advertising schedule (FIGS. 3C-3E);

transmitting the media advertising schedule to the advertiser (e.g., col. 17, lines 28

33);

the advertiser receiving the schedule, making a media advertising purchase decision and transmitting the purchase decision to the system (this step would have been inherent to complete the media buying process); and

the system transmitting the media advertising purchase decision to the at least one media outlet for reserving the purchased advertising (this step would also have been inherent to complete the media buying process).

Although Miller does not teach transmitting the rate request to a media outlet, but rather attains rate information prior to the transaction and stores that rate information in memory, BuyMedia discloses a system for facilitating buying advertising spots from various media wherein the rate request is transmitted to the media outlet, the rate request response is then transmitted via BuyMedia.com to the advertiser for a decision. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Miller such that the media outlet can be contacted with a rate request at the time of request rather than have that information already available as the information will be more up to date, allowing the media outlet to keep price changes current and hence not require the media outlet to honor, perhaps, an old price that is no longer profitable.

Re claims 2, 11 and 16:

Miller further discloses that the media advertising for selecting and purchasing is selected from a group consisting of radio, television, cable, newspaper and outdoor media (e.g., col. 1, lines 6-10).

Re claims 3 and 12:

Miller further discloses that the information relating to the buying criteria (i.e., "buying guidelines") is selected from a group consisting of advertising campaign type, media choice, customer profile, scheduling preferences, target demographics and allocated budget (e.g., col. 6, line 54 - col. 7, line 36; col. 11, lines 22-26).

Re claims 4 and 13:

Miller further discloses that the information relating to customer data is selected from a group consisting of company name, physical address, telephone/facsimile numbers, e-mail address, contact name and credit information (col. 17, lines 11-33).

Re claim 5:

Miller further discloses the step of processing of the information received by the advertiser includes feeding the information into media selection software for determining effective media choices and for ranking the media choices (e.g., col. 7, lines 3751; FIG. 7).

Re claim 6:

Miller further discloses that the at least one rate request created includes information selected from the group consisting of flight period, dayparts, days of the week, excluded programming, excluded stations, category of advertiser, respond by date information, locations, and comments (e.g., col. 6, lines 17-27)

Re claim 7:

Miller further discloses that the processing of the rate request by the media outlet includes filling out a rate submission form on a Web page (e.g., FIGS. 4-16).

Re claims 8 and 9:

Miller further discloses that the manipulation of the rate request by the server system includes creating a shell schedule based on the buying criteria, interfacing the shell schedule with audience rating and qualitative data (col. 6, lines 17-27), creating the schedule based on selected parameters (FIG. 7), converting the schedule to a simplified format, applying a rating system to the schedule, and creating numerical ratings and efficiency categories for the schedule (FIG. 7).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Huseman whose telephone number is 703-605-4277. The examiner can normally be reached on Monday - Friday, 6:30 AM - 3:00 PM.

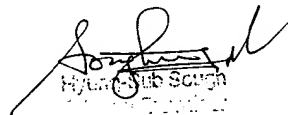
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



M. Huseman  
Examiner  
Art Unit 3621

mh  
December 30, 2002



Stephen J. Smith  
Hyattsville, VA  
22041